

3357. Misbranding of Electreat (device). U. S. v. Charles Willie Kent (Electreat Mfg. Co.). Plea of not guilty. Tried to the court and jury. Verdict of guilty. Fine of \$1,000, plus costs. (F. D. C. No. 23270. Sample No. 49770-H.)

INFORMATION FILED: December 23, 1947, Southern District of Illinois, against Charles Willie Kent, trading as the Electreat Mfg. Co., Peoria, Ill. :

ALLEGED SHIPMENT: On or about March 17, 1947, from the State of Illinois into the State of Texas.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the device, including accompanying circulars entitled "Electreat Instruction Chart" and "Do You Want to Improve Your Health?" contained false and misleading statements. The statements represented and suggested that the device would improve health; that it would relieve muscular aches and pains; that it would be efficacious in the cure, mitigation, treatment, and prevention of sinus trouble, arthritis, earaches, menstrual disturbances, sleeplessness, nervous disorders, rheumatism, heart attack, and paralysis; and that it would remove dandruff. The device would not improve health; it would not relieve muscular aches and pains; it would not be efficacious in the cure, mitigation, treatment, and prevention of sinus trouble, arthritis, earaches, menstrual disturbances, sleeplessness, nervous disorders, rheumatism, heart attack, and paralysis; and it would not remove dandruff.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court and jury on September 11, 1950. The trial was concluded on September 21, 1950, at which time the jury returned a verdict of guilty. Thereafter, motions for arrest of judgment and for a new trial were filed on behalf of the defendant; and on January 24, 1951, after consideration of the arguments of counsel, the court denied the motions and imposed a fine of \$1,000, plus costs, against the defendant.

3358. Misbranding of Enderlins Electrolytic Health Compress (device). U. S. v. 99 Unlabeled Devices * * *. (F. D. C. No. 29771. Sample No. 35565-K.)

LIBEL FILED: October 3, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about December 29, 1949, from Munich, Germany.

PRODUCT: 99 unlabeled devices at San Francisco, Calif., together with leaflets entitled "Enderlins Electrolytic Health Compress," in possession of Dr. Herbert O. Weber.

The device consisted of a plastic box attached to a cotton strap or belt. Terminals of a flashlight battery inside the box were connected to 2 round metal disks on the outside. The device was to be strapped on the body, with the 2 disks in contact with the skin.

NATURE OF CHARGE: Certain false and misleading statements in the leaflets misbranded the devices, Section 502 (a), while they were held for sale after shipment in interstate commerce. These statements represented and suggested that the device would act by way of the blood stream and nervous system upon the entire organism; that it would change part of the body acids into

electromagnetic energy and create an intensification of "life force radiation"; that it would increase the activity of the central nervous system, activate the functions of the glands, normalize the circulation, dissolve foreign bodies, and accelerate their elimination; and that when the device was used as a supplement to regular treatment by a physician, it would be helpful as a relief and could speed and assure complete health in the following conditions: signs of old age, asthma, chronic conditions of joints, arteriosclerosis, diseases of the heart, gout, atrophy of muscles, weakness of nerves, kidney diseases, sleeplessness and conditions due to it, high blood pressure, sciatica, cramps, disturbances of circulation, paralysis caused by stroke, disturbances in liver and gall bladder, paralysis of nerves, neuralgia, rheumatic conditions, and metabolic disturbances. The device when used as directed, was not effective in the treatment of such diseases and conditions.

DISPOSITION: October 18, 1950. Default decree of condemnation and destruction.

3359. Misbranding of California Dri-Aire Lamp. U. S. v. 11 Devices, etc.
(F. D. C. No. 30347. Sample No. 78574-K.)

LIBEL FILED: January 4, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about March 10, April 4, and May 11, 1950, and on an unknown date prior to March 10, 1950, by Abbey Rents, from Los Angeles, Calif.

PRODUCT: 11 devices known as *California Dri-Aire Lamp* at Seattle, Wash., in possession of Abbey Rents, together with an accompanying display card entitled "The California Dri-Aire Lamp" and accompanying leaflets entitled "Desert Air Indoors."

Examination showed that the device consisted of a ceramic core heating element and metal reflector mounted on a stand which was adjustable as to height.

RESULTS OF INVESTIGATION: The display card was received 2 or more years before, from Abbey Rents, Portland, Oreg., or Los Angeles, Calif., and the leaflets were received from Abbey Rents, Los Angeles, Calif., sometime since September 1949. The display card was on display in the window of the consignee's place of business, and the leaflets were handed to potential customers.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the device and display card and in the leaflets were false and misleading. These statements represented and suggested that the device was an adequate and effective treatment for respiratory and circulatory ailments, colds, throat irritations, asthma, sinusitis, bronchitis, hay fever, child's coughs, colds, croup, whooping cough, or other breathing trouble, arthritis, bursitis, neuritis, aching muscles, rheumatic conditions, sacroiliac pain, neuralgia, tuberculosis, and weakening conditions; and that the device would promote health, impede the action of germs in the respiratory tract, clear respiratory passages for easier breathing, and remove moisture from the air. The device would not be an adequate and effective treatment for the conditions represented.

The devices were misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: January 22, 1951. Abbey Rents, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the devices be released under bond for relabeling, under the supervision of the Federal Security Agency.